

BRIAN PAUL §
v. § CIVIL ACTION NO. 6:15cv166
DIRECTOR, TDCJ-CID §

The Petitioner Brian Paul, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Paul was convicted of aggravated robbery, receiving a sentence of 50 years in prison. After exhausting his state remedies, he sought federal habeas corpus relief. The Respondent filed a motion to dismiss Paul's petition as barred by the statute of limitations. Paul did not file a response to this motion.

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The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined that the report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

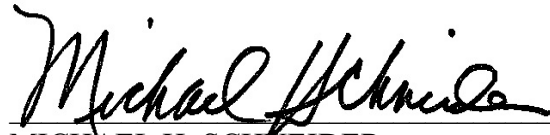
ORDERED that the report of the magistrate judge (docket no. 14) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Respondent's motion to dismiss (docket no. 13) is **GRANTED** and the above-styled application for the writ of habeas corpus is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that the Petitioner Brian Paul is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

SIGNED this 12th day of January, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE